IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1000 OF 1993

Shri Bala Saheb Bapu Admuthe, .. Petitioner
Vs
Shri Babu Bhau Darekar and ors. .. Respondents
Mr Tejpal S.Ingale, for the petitioner.
Smt N.V.Desai,for respondent nos 1 and 2.

CORAM : D.B.BHOSALE, J.

DATE : MARCH 18, 2005.

P.C.

1. Heard the learned counsel for the parties.

2. This petition is arising out of the order dated 18.12.1992 passed below Exhibit-7-application in Regular Civil Appeal No.61 of 1991, by which that application was rejected. Application-Exhibit-7 was filed for stay to the order impugned in the aforementioned Regular Civil Appeal. This Court, while issuing notice on 16.3.1993, had granted an ad-interim relief in terms of prayer clause (c) which was confirmed while admitting the writ petition on 19.4.1993. I am informed that Regular Civil Appeal No.61 of 1991 is still pending. Keeping that in view, the learned counsel appearing for the parties have agreed for the following order.

(i) The interim relief granted in terms of prayer clause (c) by which the execution and operation of the judgment and decree dated 31.12.1990 passed in Regular Civil Suit No.2390 of 1989 has been stayed, will remain operative till disposal of Regular Civil Appeal No.61 of 1991. The Appeal Court is directed to dispose of Regular Civil Appeal No.61 of 1991 as expeditiously as possible and preferably within a period of six months from the date of receipt of this order. Needless to express that the Appeal Court shall decide the appeal on merits in accordance with law and uninfluenced by the order passed below Exhibit-7. The writ petition is disposed of.

(D.B.Bhosale, J.)